



I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY:

Date:

October 3, 2005

MAIL STOP AMENDMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: :
Atsushi Ueda et al. :
Conf. No.: 7373 : Group Art Unit: 1745
Appln. No.: 10/058,707 : Examiner: Raymond Alejandro
Filing Date: January 28, 2002 : Attorney Docket No.: 10059-404US
Title: Non-aqueous Electrolyte Secondary Battery : (P27007-01)

REQUEST FOR RECONSIDERATION

This is being filed in response to the Office Action dated July 6, 2005 (Paper No. 20050629). This response is being timely filed by October 6, 2005.

REMARKS

Claims 1-6 and 8-15 are pending in the application.

The Examiner has again rejected claims 1-7 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 and 7-9 of U.S. Patent No. 6,723,473 ("the '473 patent") in view of U.S. Patent Application Publication No. 2003/0118913 of Takami et al. ("Takami"). The Examiner has also rejected claims 1-6, 8-9, 12-13 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Takami in view of WO 01/03228 ("WO '228") and further in view of JP 08-96852 ("JP '852"). Further, claims 10-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takami in view of WO '228 and further in view of JP '852 and EP 0796510 ("EP '510"). The Examiner has also rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Takami in view of WO '228 and further